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Drew R. Herndon

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Drew R. Herndon
(Signature of Person Mailing Paper or Fee)

PATENT

Attorney Docket No. 22379-710

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Hadi Partovi et al.)

Application No.: 09/523,853)

Filed: March 13, 2000)

For: METHOD AND APPARATUS FOR)
CONTENT PERSONALIZATION)
OVER A TELEPHONE INTERFACE)
WITH ADAPTIVE VOICE)
CHARACTER)

Group Art Unit: 2768

Examiner: Unknown

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SEP 11 2000

OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
Box DAC
Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. § 1.47(a), Applicants hereby petition the Commissioner to allow filing of the above-identified application without the oath or declaration of joint inventor **Zhe Li**, who cannot be reached for signature. This petition is accompanied by (1) an oath and declaration executed by joint inventors Hadi Partovi, Roderick S. Brathwaite, Angus M. Davis, Michael S. McCue, Brandon W. Porter, John Giannandrea and Eckart Walther, each on his own behalf, and on behalf of non-signing inventor Zhe Li pursuant to 37 C.F.R. § 1.63 and MPEP 409.03(a); (2) a Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor recited herein; (3) an affidavit with exhibits in support of the present petition by Erik Oliver, Attorney for Applicants, constituting Proof of Unavailability or Refusal (MPEP 409.03(d)); (4) a statement of

Last Known Address (MPEP 409.03(e)) recited herein; (5) a response to the Notice to File Missing Parts dated May 15, 2000, including all required documents and applicable filing fees; and (6) the petition fee of \$130.00 as set forth in 37 C.F.R. § 1.17(i).

STATEMENT OF FACTS & DECLARATION

On or about December 17, 1999 Zhe Li, a joint inventor of the above-identified patent application, left the United States to pursue other interests. Since Mr. Li's departure preceded completion of the present application and subsequent filing thereof, it was not possible to prepare an oath or declaration for his signature prior to his departure. The present application was filed on March 13, 2000 without executed formal documents. Applicants received a Notice to File Missing Parts dated May 15, 2000. In accordance with the provisions of 37 C.F.R. § 1.63, an oath and declaration was prepared for signature by all the joint inventors in the above-identified patent application, and forwarded to the inventors for execution on March 21, 2000. However, joint inventor Zhe Li has been unavailable to execute the oath and declaration and thereby complete the requirements for filing a utility patent application under 37 C.F.R. §§ 1.53 and 1.63. Attorney for Applicants made a diligent effort to reach Mr. Li and obtain his signature on an oath and declaration, as attested to by the facts recited briefly herein, and enumerated in detail with supporting documentation in the attached affidavit of Erik Oliver.

An attempt to contact Zhe Li via an e-mail address provided by him was initially made on April 20, 2000 requesting contact for the purpose of executing formal documents for the present application. A second attempt was made to contact Mr. Li via e-mail on May 31, 2000 (copy of e-mail attached). No reply was received to either e-mail request. Also on May 31, 2000, a letter was sent via both Federal Express and Certified Return Receipt U.S. Mail to Mr. Li at his last known address (copy attached). Both letters were returned as undeliverable. In addition, Attorney for Applicants placed a telephone call on May 31, 2000 to the most current phone number provided by Mr. Li, and received a message that it was a non-working number. No communication of any kind has been received from Mr. Li in the interim.

In view of the above-noted circumstances, Applicants submit this Petition on Behalf of a Non-Signing Inventor (37 C.F.R. § 1.47(a)) in conjunction with a complete Response to the Notice to File Missing Parts dated May 15, 2000.

Applicants assert that a *bona fide* attempt was made to have Mr. Li execute a declaration and join as an applicant for patent in the above-identified invention. Such attempt proved fruitless. Applicants therefore request that the application be considered filed under the provisions of 37 C.F.R. § 1.47(a) and MPEP § 409.03. Applicants further request that the attached Declaration for Utility Patent Application executed by co-inventors Hadi Partovi, Roderick S. Brathwaite, Angus M. Davis, Michael S. McCue, Brandon W. Porter, John Giannandrea and Eckart Walther, each on his own behalf, be considered as having been executed on behalf of Zhe Li as required by 37 C.F.R. § 1.64, and in accordance with the provisions of MPEP § 409.03(a) subparagraph (A).

By signing below, I, the undersigned Attorney of Record hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, having been warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and may jeopardize the validity of any patent resulting therefrom.

Last Known Address

In accordance with MPEP §§ 409.03(e) and 605.03, the last known post office address of Zhe Li is as follows:

75 Poncetta Drive, #2, Daly City, California 94015 USA

No other post office address or residence for Mr. Li is known to Applicants or Attorneys for Applicants.

Favorable action on this petition is respectfully solicited.

Please charge the Petition fee of \$130.00 under 37 C.F.R. 1.17(i) to Deposit Account No. 23-2415 (Docket No. 22379-710).

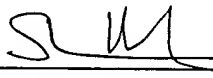
Application No. 09/523,853
Attorney Docket No. 22379-710

The Commissioner is hereby authorized to charge any additional fees that may be required by this paper, including Petition Fees and extension of time fees, and to credit any overpayment, to Deposit Account No. 23-2415 (Docket No. 22379-710). A duplicate of this paper is enclosed.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

By:


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Date: June 22, 2000